

Message Text

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E.O. 11652: N/A

TAGS: PFOR, PINS, FI

SUBJECT: EXTRADITION TREATY NEGOTIATIONS - FINLAND

1. MR. KROGIUS OF MFA LEGAL DEPT TODAY CALLED POLCOUNS TO RAISE A FEW MINOR POINTS CONCERNING EXTRADITION TREATY DRAFT TEXT. IN REGARD TO ARTICLE 7.2.B., THE FINNS HAVE SOME SLIGHT PROBLEM WITH THE LANGUAGE. THEY SUGGEST SOME "IMPROVEMENT", SUCH AS POSSIBLY: "B. THE OFFENSE IS A MILITARY OFFENSE..." INSTEAD OF "B. IN RESPECT OF A MILITARY OFFENSE..."

2. CONCERNING ARTICLE 20.1.A.B.&C., MR. KROGIUS SAID THAT ALTHOUGH IT IS A VERY MINOR POINT THE USE OF THE WRD "AND" AT END OF A. AND THE USE OF A PERIOD AT THE END OF B. APPEARS TO BE INCONSISTENT. SINCE IT MUST BE ASSUMED THAT ALL THREE OF A.B.C. MUST BE MET FOR ARTICLE 20.1 TO BECOME OPERATIVE, ONE OF THREE POSSIBLE WORDINGS SHOULD BE CHOSEN. POSSIBILITY 1: WORD "AND" WILL BE USED AT END OF BOTH A. AND B., AND PERIOD AT END OF B. WILL BE CHANGED TO COMMA. POSSIBILITY 2: WORD "AND" AT END OF A. BE DROPPED, AND PERIOD AT END OF B. BE CHANGED TO COMMA. POSSIBILITY 3: WORD "AND" AT END OF A. BE MOVED TO END OF B., AND PERIOD AT END OF B. BE CHANGED TO COMMA.

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3. CONCERNING "SCHEDULE OF OFFENSES",

MR. KROGIUS SAID THAT FINNS HAVE LEGAL PROBLEM WITH NO. 31. PROBLEM IS THAT SINCE THIS SUMMER WHEN DRAFT WRITTEN, FINNISH LAW HAS BEEN CHANGED SO THAT MAXIMUM SENTENCE FOR OFFENSES LISTED UNDER NO. 31 IS NOW ONE YEAR. MR. KROGIUS POINTED OUT THAT THIS BEING THE CASE, FINNS WOULD NOT BE IN A POSITION TO EXTRADITE PERSONS FOR OFFENSES FALLING UNDER NO. 31, AND THAT THEREFORE 31 SHOULD PERHAPS BE DROPPED ALTOGETHER.

4. MR. KROGIUS ALSO SAID THAT THE FINNS ARE CONSIDERING WHAT TO DO ABOUT ANOTHER LEGAL TERMINOLOGY PROBLEM THAT THEY HAVE AND WILL SOMETIME IN NOVEMBER PUT THE PROBLEM IN WRITTEN FORM. WHAT IT BOILS DOWN TO IS THAT FOR SCHEDULE OF OFFENSES NOS. 9 (LARCENY OR THEFT) AND 12 (BURGLARY) FINNISH LEGAL TERMINOLOGY MAKES NO DIFFERENTIATION. IN ALL THREE CASES THE FINNISH WORD "VARKAUS" IS USED IN FINNISH LAW. THERE IS A WORD IN FINNISH "MURTOVARKAUS" WHICH WOULD PROBABLY COME CLOSEST TO BURGLARY OR BREAKING AND ENTERING, BUT IS NOT A LEGAL TERM. MR. KROGIUS SAID THAT ONE COULD PERHAPS DIFFERENTIATE BETWEEN LARCENY OR THEFT ON ONE HAND AND BURGLARY ON THE OTHER BY USING THE WORD "VARKAUS" FOR THE FORMER AND "TORKEAVARKAUS" FOR THE LATTER. ONE WAY TO SOLVE THIS WOULD BE TO COMBINE NOS. 9 AND 12 INTO ONE ITEM WHICH WOULD READ "LARCENY OR THEFT OR BURGLARY". THIS WOULD OF COURSE REQUIRE A RENUMBERING OF THE SCHEDULE OF OFFENSES SINCE NO. 12 WOULD BE SUBSUMED INTO NO. 9. EMBASSY WILL AWAIT DEPT'S VIEWS ON POINTS BROUGHT UP BY MR. KROGIUS. HOUSTON

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